



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 09/313,916 | 05/18/1999 | THEODORE DAVID WUGOFSKI | 98-0655 | 4454 |

32718 7590 10/29/2003

GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DR., Y-04
N. SIOUX CITY, SD 57049

EXAMINER

SORRELL, ERON J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2182

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/313,916

Applicant(s)

WUGOFSKI, THEODORE DAVID

Examiner

Eron J Sorrell

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 41-47⁶ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-15, 22-26, 30 and 41-44 is/are rejected.
- 7) ☒ Claim(s) 5-10, 16-21, 27-29, 45 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 46 and 47 have been renumbered to 45 and 46.

2. Claim 2 is objected to because of the following informalities: claim 2 should depend from claim 1 and not claim I as it now reads. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the

Art Unit: 2182

United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 11-15, 22-26, and 30 are rejected under 35

U.S.C. 102(e) as being anticipated by Guthridge et al. (U.S.

Patent No. 6,393,557 hereinafter "Guthridge").

5. Referring to method claim 1, computer readable medium claim 12, and system claim 23, Guthridge teaches a method for generating a model representing devices and interconnections of the devices within an information handling system and using the model to control devices, the method comprising:

identifying first and second devices connected to the information handling system (see lines 15-18 of column 4);

storing a first device object representing the first device and a second device object representing the second identified device (see lines 36-50 of column 4);

identifying an interconnection (link) between the first identified device with the second identified device, wherein the stored first and second device objects and interconnect object form at least part of the model (configuration graph) (see lines 36-50 of column 4).

6. Referring to method claim 2, computer readable medium claim 13, and system claim 24, Gutheridge teaches using the model to control operation of at least one of the first devices and the second device (see lines 10-16 of column 1).

7. Referring to method claims 3 and 4, computer readable medium claims 14 and 15, and system claims 25 and 26, Gutheridge teaches the method further comprises the steps of identifying an input and/or output of at least one of the first device and the second device; and storing an input and/or output object in the model representing the identified input and/or output (see figure 5B and the accompanying description at lines 42-55 of column 6).

8. Referring to claim 11, computer readable medium claim 22, and system claim 30, Gutheridge teaches the model is saved in persistent memory (see lines 12-19 of column 9).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2182

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutheridge in view of Iwamura (U.S. Patent No. 5,883,621).

11. Referring to system claims 41 and 42, Gutheridge teaches a system for generating a model representing devices interconnected with an information handling system and interconnections of the devices to at least one of the information handling system and other devices interconnected with the information handling system, and using the model to control devices; comprising:

a model generator for generating a model representing all the identified devices and interconnections with the information handling system (see paragraph bridging columns 3 and 4);

wherein, the model includes device objects representing the identified devices and interconnect objects representing the interconnections between the identified device and the information handling system (see figures 5A and 5B and the accompanying description).

Guthridge fails to teach the system comprises a user interface for providing communication with a user to identify a device interconnected with the information handling system.

Iwamura teaches, in an analogous system, a user interface for providing communication with a user to identify a device interconnected with the information handling system (see abstract; Note the display device communicates to the user devices connected to the information handling system).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Guthridge with the teachings of Iwamura such that is comprises a user interface for providing communication with a user to identify a device interconnected with the information handling system. One of ordinary skill in the art would have been motivated to make such modification in order to have a graphical representation of all of the devices interconnected to the information handling system as suggested by Iwamura (see abstract).

12. Referring to claim 43, Guthridge teaches the first and second device objects and the first and second interconnect objects each comprise an interface and an implementation, the interface including a routine and the implementation including

Art Unit: 2182

source code implementing the routine for controlling the identified device or interconnection which the device object or interconnect object represents (see line 37 of column 4 to line 11 of column 5).

13. Referring to claim 44, Gutheridge teaches the interface further comprises at least one of a constant, a data type and a variable (see figures 5A and 5B).

Allowable Subject Matter

14. Claims 5-10,16-21,27-29,45, and 46 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J

Art Unit: 2182


Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

EJS

October 24, 2003



Rehana Perveen
Art Unit 2182